

Serial No. 10/538,520

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February 22, 2007

C O M M E N T S

The Examiner's withdrawal of the rejection of claims 1-13 under 35 USC 101, and the Examiner's allowance of claims 1-13, are respectfully acknowledged.

The Examiner asserts on page 2 of the Office Action that claims 14-26 define a mathematical algorithm, and therefore are unpatentable under 35 USC 101 for failing to provide a useful, concrete and tangible result.

In order to more clearly recite the provision of a useful, concrete, and tangible result in independent method claim 14 and claims 15-26 depending therefrom, the applicant proposes to amend claim 14 to recite that the signal to be measured is a clock signal extracted from a transmission signal to be transmitted in a data transmission system, as supported by the disclosure in the specification at, for example, page 1, lines 12-14 and 16-18 and page 2, lines 17-24.

It is respectfully submitted that draft amended independent claim 14 clearly limits the method thereof to a practical application, namely determining a jitter amount of a signal to be measured, which is a clock signal extracted from a transmission signal to be transmitted in a data transmission system.

Accordingly, it is respectfully submitted that draft amended independent claim 14 and claims 15-26 depending therefrom are not merely recitations of mathematical algorithms and fully comply with the requirements of 35 USC 101.